

REMARKS

Applicant would like to thank the Examiner for the detailed Official Action provided and for the acknowledgment of Applicant's Claim for Priority and Receipt of the certified copy of the priority documents in the Official Action.

Applicant additionally wishes to thank the Examiner for acknowledging that the drawings as filed on January 20, 2006, are accepted. Applicant also expresses thanks to the Examiner for considering the materials cited in the Information Disclosure Statement filed in the present application on May 4, 2006, by the return of the signed and initialed Form PTO-1449 corresponding to the above-noted Information Disclosure Statement.

Upon entry of the present paper, claims 1-3 and 6-8 will have been amended. Claims 1-3 and 6-8 will have been amended merely for cosmetic purposes (*i.e.*, for purposes of consistency and clarity), and should not be considered to have been made for purposes related to the patentability of the present claimed invention. The specification of the present application will also have been amended merely for purposes of consistency and clarity. No new matter will have been introduced by the above-made amendments. Claims 1-8 are pending for consideration by the Examiner. Applicant respectfully requests reconsideration and withdrawal of the outstanding objections and rejections of the claims pending in the present application. Such action is respectfully requested and is now believed to be appropriate.

Objection to the Oath or Declaration

Applicant notes that the Examiner appears to have objected to the Oath and/or Declaration on the Form PTOL-326. However, the Examiner has failed to assert the objection in the body of the Official Action. Applicant respectfully requests clarification as to whether the Oath and/or Declaration is in fact objected to or whether the notice of the objection is merely a

minor typographical on the part of the Examiner. Applicant further respectfully submits that should the Examiner decide to maintain the objection to the Oath and/or Declaration, Applicant requests that the Examiner provide reasons for the objection in the next Official Communication.

Objection to the Specification

In the Outstanding Official Action, the Examiner has objected to the specification for allegedly being replete with terms which are not clear, concise and exact. It is respectfully submitted that Applicant has reviewed the specification of the present application and contrary to the Examiner's assertions, Applicant respectfully asserts that the specification is relatively clear, concise and exact, and would be readily understood by those having ordinary skill in the art. However, without agreeing to the propriety of the Examiner's rejection and solely to expedite the examination process, Applicant has amended the portions of the specification pointed out by the Examiner, merely clarifying for the Examiner what is already readily-understood. Accordingly, Applicant respectfully requests reconsideration and withdrawal of the objection to the specification of the present application.

Anticipation Rejections under 35 USC §102(b)

The Examiner has rejected independent claim 1 under 35 U.S.C. §102(b) as being anticipated by KIM (KR1020020070942), cited by Applicant. Applicant respectfully traverses the rejection and requests withdrawal of the rejection in view of the following remarks.

For an anticipation rejection under §102 to be proper, a single reference must disclose each and every element recited in a claim. In this regard, it is respectfully submitted that KIM fails to disclose each and every element of at least independent claim 1, as amended.

Independent claim 1, as amended, generally recites a roaster for seasoning marine algae including, *inter alia*, a main body, a roasting container, a cooking oil feeder, a heater, a roasting

agitator, a shutter, a removable collection cooking container, a condiment collection unit, a cooking agitator and a controlling unit. The removable collection cooking container is configured to hold a class of condiments including various kinds of seasoning, sesame oil, and flavor each selectively dispersed from a plurality of condiment container and further configured to receive a firstly processed raw material collected through the opening unit of the main body and discharged through the discharging gate of the roaster. The cooking agitator includes wings supportably placed across the removable collection cooking container, wherein the wings are positioned in an upper direction at a predetermined angle above a horizontal plane at a completion of a mixing process such that the wings do not interfere with the removable collection cooking container when the removable collection cooking container is removed from the main body.

In this regard, Applicant asserts that contrary to the Examiner's assertions, KIM at least fails to disclose the removable collection cooking container and the cooking agitator, as generally recited in amended independent claim 1.

More specifically, in the Official Action, the Examiner asserts that all of the features of independent claim 1 are disclosed by KIM including that KIM discloses a mixing vessel 60 corresponding to the collection cooking container, as generally recited, and an agitating vane 100 corresponding to the cooking agitator, as also generally recited. However, contrary to the Examiner's assertions, KIM at least fails to disclose a removable collection cooking container and a cooking agitator including wings supportably placed across a removable collection cooking container, wherein the wings are positioned in an upper direction at a predetermined angle above a horizontal plane at a completion of a mixing process such that the wings do not interfere with

the removable collection cooking container when the removable collection cooking container is removed from the main body, as generally recited in amended independent claim 1.

In contrast, the mixing vessel 60 of KIM (allegedly corresponding to the removable collection cooking container, as generally recited) is not removable, and even if it was removable, the agitating vane 100 is not positioned above the mixing vessel such that it does not interfere with removal of the mixing vessel 60. *See e.g.*, FIG. 5. In this regard, the agitating vane 100 is clearly provided within an interior of the mixing vessel 60, and a separate carrying box 80 is provided to remove the prepared material from the apparatus. Thus, Applicant asserts that KIM does not contemplate providing a removable mixing vessel 60, let alone an agitating vane 100 having wings angled above a horizontal plane such that the agitating vane 100 does not interfere with removal of the mixing vessel 60, at least because the mixing vessel 60 is not removable and the carrying box 80 is separately provided below the mixing vessel for removal from the apparatus.

Therefore, absent a disclosure in a single reference of each and every element recited in a claim, a *prima facie* case of anticipation cannot be made under 35 U.S.C. § 102. Since KIM fails to disclose each and every feature recited in independent claim 1, independent claim 1 is not anticipated thereby. Accordingly, the Examiner is respectfully requested to withdraw the rejections under 35 U.S.C. § 102.

Obviousness Rejections under 35 USC §103(a)

The Examiner rejected claims 2, 3 and 8 under 35 U.S.C. §103(a) as being unpatentable over KIM in view of WOOD (U.S. Pat. No. 6,915,657). The Examiner rejected claims 4 and 7 as being unpatentable over KIM in view of LEE (KR 20-0265539), as also cited by Applicant. The Examiner further rejected claim 5 as being unpatentable over KIM in view of ELLIOT et al.

(U.S. App. Pub. No. 2003/0149328). Claim 6 was rejected as being unpatentable over KIM in view of AOKI et al. (U.S. Pat. No. 5,716,253).

Applicants respectfully traverse the obviousness rejections and request withdrawal of the rejections in view of the following remarks.

For an obviousness rejection under §103(a) to be proper, the Examiner must indicate that each limitation is shown or provide at least a clear articulated reason for rendering the claimed invention obvious.

With respect to the obviousness-based rejections of claims 2-8, and without agreeing to the propriety of the Examiner's rejections and solely to expedite the examination process, Applicant submits that these claims are dependent from allowable independent claim 1, which is allowable for at least the reasons discussed *supra*. Thus, these dependent claims are also allowable for at least the reasons discussed *supra*. Further, claims 2-8, respectively, set forth a further combination of elements neither disclosed nor rendered obvious by any of the references of record. It is thus respectfully requested that the Examiner withdraw the rejections of claims 2-8 under 35 U.S.C. §103(a).

Thus, for each of the above-noted reasons and certainly for all of the above-noted reasons, it is respectfully submitted that the Examiner's rejections are improper. Accordingly, Applicant respectfully requests reconsideration and withdrawal of each of the outstanding rejections together with an action indicating the allowability of all the claims pending in the present application. Such action is respectfully requested and is now believed to be appropriate and proper.

SUMMARY

Applicant submits that the present application is in condition for allowance, and respectfully requests an indication to that effect. Applicant has argued the allowability of the claims and pointed out deficiencies of the applied references. Accordingly, reconsideration of the outstanding Official Action and allowance of the present application and all the claims therein are respectfully requested and is now believed to be appropriate.

Applicant notes that this amendment is being made to advance prosecution of the application to allowance, and should not be considered as surrendering equivalents of the territory between the claims prior to the present amendment and the amended claims. Further, no acquiescence as to the propriety of the Examiner's rejection is made by the present amendment. All other amendments to the claims which have been made in this amendment, and which have not been specifically noted to overcome a rejection based upon the prior art, should be considered to have been made for a purpose unrelated to patentability, and no estoppel should be deemed to attach thereto.

Should the Examiner have any questions, the Examiner is invited to contact the undersigned at the below-listed telephone number.

Respectfully Submitted,
June-Chul KIM


Bruce H. Bernstein
Reg. No. 29,027


William E. Lyddane
Reg. No. 41,568

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GREENBLUM & BERNSTEIN, P.L.C.
1950 Roland Clarke Place
Reston, VA 20191
(703) 716-1191